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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/102,207 06/22/98 GOH

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

EXAMINER

DAVIS, D

ART UNIT	PAPER NUMBER
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2652

DATE MAILED:

06/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/102,207

Applicant(s)

GOH ET AL.

Examiner

David D. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102((e), f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3, 5-18, and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azarya et al (US 5,978,578). Figure 4 of Azarya et al shows a media access controller connectable to computer network 18 and providing access to network 18 independent of a host processor. Figure 4 of Azarya et al also shows embedded processor 22 coupled between a host interface and a media access controller. See column 9, lines 41-52, column 10, lines 44-57 and column 11, lines 6-38 of Azarya et al.

Azarya et al is silent however, as to the system being a chip.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the system of Azarya et al, which includes an embedded processor, a host interface and a media access controller, in a chip. The rationale is as follows:

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one of ordinary skill in the art at the time the invention was made would have been motivated to provide an embedded processor, a host interface and a media access controller in a chip so as to reduce the overall size and increase the portability of the functions in the system.

4. Claims 4, 16-18 and 31-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azarya et al (US 5,978,578) in view of Han (US 5,903,737). Azarya et al discloses the claimed invention. However, Azarya et al is silent as to the interchip communication including an I²C bus with the compliant device being an I²C-compliant device.

Han discloses in column 2, lines 58-67 I²C serial data communications.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the apparatus of Azarya et al with I²C serial data communications as taught by Han. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide I²C serial data communications so as to provide an apparatus "which can transmit and receive serial data of an inter integrated circuit (IIC or I²C) type utilizing a general microcomputer." See column 1, lines 6-12.

5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azarya et al (US 5,978,578). Azarya et al discloses the claimed invention. However, Azarya et al is silent as to specific memory types (e.g. non-volatile and/or volatile).

Official notice is taken of the fact that volatile and non-volatile memory types are notoriously old and well known in the computer/network art.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to specify the memory types for the apparatus of Azarya et al as taught in the art. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to specify memory types to provide cost and manufacturing flexibility in the procurement of the memory.

Response to Arguments

6. Applicant's arguments filed November 6, 2000 have been fully considered but they are not persuasive. Applicants state that Azarya et al does not provide an embedded processor, a host interface and a media access controller in a chip. However, as stated supra, a skilled artisan would have been motivated to provide an embedded processor, a host interface and a media access controller in a chip so as to reduce the overall size and increase the portability of the functions in the system.

Applicants assert in the penultimate line through the ultimate line on page 6 that "neither Azarya or Han disclose or suggest using a *media access controller* to receive *network manageability information requests* from a computer network.". In column 10, line 63 through column 11, line 5, Azarya et al discloses a media access controller to receive network manageability information requests from a computer network as required by the claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503. The examiner can normally be reached on Mon., Tues., Thurs. and Fri. between 7:30-6:00. The fax

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phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900. Any other inquiry should be directed to the customer service center whose telephone number is (703) 306-0377.



David D. Davis
Primary Examiner
Art Unit 2652

ddd
June 3, 2001